

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SCOTT WERNER,
and MICHELLE WERNER,

Plaintiffs,

Case No. 20-cv-471-pp

v.

PHH MORTGAGE CORPORATION,
Defendant.

**ORDER REMINDING PLAINTIFFS OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANT'S MOTION TO
DISMISS (DKT. NO. 8)**

On May 6, 2020, the defendant filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 8. The defendant argues that the plaintiffs fail to state a claim under the Fair Debt Collection Practices Act because they do not allege facts that make a plausible claim that (1) the defendant was a debt collector within the meaning of the FDCPA and (2) the defendant engaged in prohibited debt collection practices.

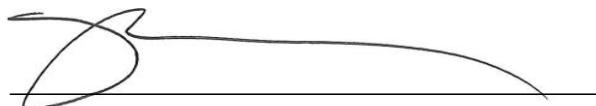
Under Civil Local Rule 7(b), if the plaintiffs wish to oppose the motion they must do so within twenty-one days—that is by May 27, 2020. The plaintiffs are free to timely file a response to the motion to dismiss, but the court reminds the plaintiffs that they have another option—they may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th

Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiffs to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by May 27, 2020 the plaintiffs shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 7th day of May, 2020.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge